

against the territory which voted same, and providing that the local tax assessment as heretofore existing in the Bovina Common School District No. 5 shall remain in force in the school district herein created; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WITT, Chairman.

#### FOURTH DAY.

Senate Chamber,  
Austin, Texas.

Monday, January 17, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Lewis.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Ward:

S. B. No. 87, A bill to be entitled "An Act to amend Article 2496 of the

Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 88, A bill to be entitled "An Act to amend Article 2274 of Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 89, A bill to be entitled "An Act to amend Article 2162 of Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 90, A bill to be entitled "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 91, A bill to be entitled "An Act to amend Article 3726 of Title 55, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 92, A bill to be entitled "An Act to amend Article 3996 of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 93, A bill to be entitled "An Act to amend Article 4930 of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ward:

S. B. No. 94, A bill to be entitled "An Act to amend Article 8306, Part 1, Title 130 of the Revised Civil Statutes of 1925, by adding thereto a section to be known as Section 11a, defining total and permanent injuries and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

J S. B. No. 95, A bill to be entitled "An Act amending Title 49, Chapter 16, Articles 2839, 2841 and 2842 of the Revised Civil Statutes of the State of Texas of 1925, relating to the creation of the Texas State Textbook Commission, the appointment of members thereof, the date and place of the meetings, the qualifications of the members, and providing for the installation and keeping in operation of a complete system of textbooks in all of the public free schools of the State of Texas, providing for notice by the Commission to be given to county common and independent school district principals and superintendents of all expiring contracts for textbooks and requiring such principals and superintendents to forward within ten days to the county superintendent or county judge, a statement as to whether or not in his or her judgment any change or changes should be made in the expiring textbook contracts and requiring each county superintendent or county judge, to tabulate the statements so made and to report to the Secretary of the State Text Book and Commission under oath not later than five days before the date set for the letting of contracts, the result of such tabulation and forward all original reports, together with said tabulation, to the Secretary of the State Textbook Commission, and providing that no such change shall be made unless three-fourths, of all the county common and independent school district principals and superintendents of the State of Texas shall in said written statements to said textbook commission recommend a change; providing for the promulgation of rules and regulations under which textbooks adopted and approved shall be introduced or used in said school and providing that existing contracts shall not be affected by any adoption made under the provisions of this Act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 96, A bill to be entitled "An Act defining negligent assault and negligence; making it an offense

to negligently injure the person or property of another, affixing a punishment therefor and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 97, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of 1925 by omitting therefrom the following: 'Provided that where there are two or more persons jointly charged or indicted and a severance is had, the privilege of testifying shall be extended only to the party on trial. And repealing Article 711 of the Code of Criminal Procedure of 1925.'"

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 98, A bill to be entitled "An Act regulating the time for preliminary pleadings in capital cases, such as motions for change of venue, applications for severance, and motions to quash."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 99, A bill to be entitled "An Act to amend Articles 650 and 651 of the Code of Criminal Procedure allowing defendants jointly indicted or defendants indicted for offenses growing out of the same transaction the right to apply for severance and ask for a separate trial, regulating the procedure under such application and leaving the action thereon to the sound discretion of the trial court."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 100, A bill to be entitled "An Act amending Article 6815 of Title 117 Revised Civil Statutes of the State of Texas of 1925 so as to provide a salary for the Superintendent of the State Tuberculosis Sanatorium of \$5,000.00 per annum and the salary of the store keeper and accountant of the State Tuberculosis Sanatorium at an annual salary not to exceed \$2,000.00, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Parr:

S. B. No. 101, A bill to be entitled "An Act to create a more efficient road system for Webb County, Texas, providing that the General Road Laws of the State of Texas shall be applicable to said county, except as herein provided; providing that nothing in this Act shall affect in any wise road bonds heretofore issued by said county; validating an election for the issuance of Special Road Bonds of said county, validating all orders of the commissioners' court in respect to said election, validating the levy of taxes in payment thereof and constituting such orders legal evidence; enacting provisions necessary and incidental to the subject and purpose of this Act; and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator Parr:

S. B. No. 102, A bill to be entitled "An Act authorizing the District Attorney of the Criminal District Court for the Counties of Nueces, Kleberg, Kenedy, Willacy and Cameron to appoint assistant district attorneys and investigators; providing for their salaries, prescribing their qualifications and duties and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane:

S. B. No. 103, A bill to be entitled "An Act to create Road District Number Four, of Wilbarger County, Texas; validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district, etc.; and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator Neal:

S. B. No. 104, A bill to be entitled "An Act to amend Chapter Six of Title Thirty-seven, Texas Revised Civil Statutes of 1925, by repealing Article 1769 and amending and re-enacting Article 1771, relating to the disposition of cases in the Supreme Court."

Read first time and referred to

the Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas, to place switch lights on all their main line switches and to keep the same lighted from sunset until sunrise; except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this Act; repealing Article 6373 of Chapter 8, Title 112 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read first time and referred to the Committee on Labor.

S. J. R. No. 7, A joint resolution "Proposing an amendment to Article V of the Constitution for the improvement of the judicial system of the State of Texas."

Read first time and referred to the Committee on Constitutional Amendments.

By Senator Price:

S. J. R. No. 8, A joint resolution "Proposing the amendment of Article Eight, Section Nineteen, of the State Constitution so as to carry forward the provision for the exemption from taxation of farm products in the hands of the producer and as family supplies for the home and farm use, and also providing for the exemption from taxation of cotton mills located in the State of Texas for a period of fifteen years."

Read first time and referred to the Committee on Constitutional Amendments.

#### Simple Resolution No. 16.

Senator Love sent up the following resolution:

By Senator Love:

Resolved, that the Senate of Texas has learned, with sincere regret, of the death, at his home in Missouri, of the Honorable David R. Francis, formerly governor of the State from which Stephen F. Austin came to Texas, and a statesman well known in Texas and in the nation for the valuable and faithful service

he has rendered to the people in numerous high positions of trust, and whose courageous fidelity to his post as American Ambassador to Russia during the critical days of the World War attracted favorable attention throughout the world; that we tender our condolence to the bereaved family and the Secretary of the Senate is directed to advise them by wire of the adoption of this resolution.

The resolution was read and adopted.

#### Simple Resolution No. 17.

Senator Woodward sent up the following resolution:

By Senator Woodward:

Whereas Assistant Secretary Morris Hawkins is confined in a local hospital and prevented thereby from performing his duties; and

Whereas it is necessary to have the services of an Assistant Secretary.

Therefore be it resolved that James Thornhill be elected to serve as Assistant Secretary during the absence of the regular assistant and receive the same compensation for his services as being paid the regular assistant.

The resolution was read and adopted.

#### Simple Resolution No. 15.

The Chair announced that the hour had arrived for the consideration of S. R. No. 15 set for special order for 10:15 o'clock:

S. R. No. 15, A Simple Resolution "In regard to appointment of a Legislative Counsellor."

Senator Berkeley sent up the following amendment:

Amendment Number One to Simple Resolution Number Fifteen:

Amend Simple Resolution No. 15, "By striking out the figures \$35.00 per day and substituting in lieu thereof \$20.00 per day."

The amendment was read and adopted.

Senator Pollard moved to refer the resolution and amendment to the Committee on State Affairs.

Senator Fairchild moved to table the motion to refer.

The motion to table prevailed by the following vote:

Yeas—16.

Greer.	Hardin.
Hall.	Love.

Berkeley.  
Bowers.  
Fairchild.  
Floyd.  
Price.  
Real.

Smith.  
Triplett.  
Ward.  
Witt.  
Wood.  
Woodward.

Nays—12.

Bailey.  
Bledsoe.  
Holbrook.  
Miller.  
Moore.  
Neal.

Pollard.  
Reid.  
Russek.  
Stuart.  
Westbrook.  
Wirtz.

Absent.

Lewis.  
McFarlane.

Parr.

At Ease.

On the motion of Senator Bailey the Senate at 10:30 a. m. stood at ease subject to the call of the Chair to meet in joint session with the House of Representatives.

#### Joint Session.

The Senate and the House of Representatives met in joint session to count the votes of the last General Election.

Upon roll call the following Senators answered to their names:

Yeas—30.

Bailey.  
Berkeley.  
Bledsoe.  
Bowers.  
Fairchild.  
Floyd.  
Greer.  
Hall.  
Hardin.  
Holbrook.  
Love.  
McFarlane.  
Miller.  
Moore.  
Neal.

Parr.  
Pollard.  
Price.  
Real.  
Reid.  
Russek.  
Smith.  
Stuart.  
Triplett.  
Ward.  
Westbrook.  
Wirtz.  
Witt.  
Wood.  
Woodward.

Absent.

Lewis.

#### Committees Appointed to Canvass.

Committees appointed to canvass the vote made the following report:

Austin, Tex., January 17, 1927.

Hon. Barry Miller, President of the Senate, and Hon. Robert Lee Bobbit, Speaker of the House of Representatives.

Sirs:

We, your joint committee and tellers, appointed to canvass the votes cast at the last General Election held in the State of Texas on November 2nd, 1926, for Governor and Lieutenant Governor of the State of Texas, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor:

Dan Moody	233,068 votes
H. H. Haines	31,531 votes
M. A. Smith	908 votes

There were cast for Lieutenant Governor:

Barry Miller	236,097 votes
W. H. Holmes	27,316 votes
L. L. Rhodes	702 votes

No returns were presented to your committee from Castro, Crane, Dickens, Madison, Moore, Parmer, San Jacinto, and Star Counties. Loving County was included with Reeves County returns.

All of which is respectfully submitted,

PETSCH,  
PARRISH,  
STOUT,  
SHAFER,  
SATTERWHITE,  
On part of the House.  
WESTBROOK,  
WOOD,  
PRICE,  
LEWIS,  
WIRTZ.

On part of the Senate.

(See Appendix tabulation by counties.)

The report was read and adopted by the joint session.

The Senate then retired.

After the Joint Session.

The Senate reconvened at 2:20 p. m. upon the call of Lieutenant Governor Barry Miller.

Simple Resolution No. 15.

The question recurred upon the adoption of S. R. No. 15 as amended.

Motion to Adjourn.

Senator Holbrook moved that the Senate adjourn until tomorrow morning at 10 o'clock a. m.

The motion to adjourn was lost by the following vote:

Yeas—9.

Bailey.	Stuart.
Bledsoe.	Westbrook.
Holbrook.	Wirtz.
Miller.	Witt.
Russek.	

Nays—21.

Berkeley.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Triplett.
Love.	Ward.
McFarlane.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Lewis.

Simple Resolution No. 15.

The question recurred upon S. R. No. 15.

The resolution was adopted by the following vote:

Yeas—17.

Berkeley.	Parr.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Triplett.
Greer.	Ward.
Hall.	Witt.
Hardin.	Wood.
Love.	Woodward.
McFarlane.	

Nays—13.

Bailey.	Reid.
Bledsoe.	Russek.
Holbrook.	Smith.
Miller.	Stuart.
Moore.	Westbrook.
Neal.	Wirtz.
Pollard.	

Absent.

Lewis.

Message from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following executive message:

Executive Department,  
Austin, Texas, January 17, 1927.  
To the Honorable Legislature of the State of Texas:

I hand you herewith for your advice, consideration and confirmation the following;

Honorable J. D. Jackson of Brewster County to be a member of the Board of Regents of the State Teacher's College to succeed Senator Margie T. Neal.

Dr. G. H. Spell, member Board of Optometry.

Dr. J. Thos. Ward, member Board of Optometry.

Mrs. Ed. M. Sweeney, member Gonzales Park Board.

Respectfully submitted,  
MIRIAM A. FERGUSON, Governor.

Read and referred to Committee on Governor's Nominations.

#### Simple Resolution No. 18.

Senator Hall sent up the following resolution:

By Senator Hall:

Whereas, the citizens of Houston are desirous that one of the new cruisers of the United States Navy be named for the City of Houston, and

Whereas, To so name said cruiser would not only give prestige to the City of Houston and to Texas, but would do honor to the name of the man to whom this generation of Texans is and generations yet unborn, will be debtor; therefore be it,

Resolved, That the Senate of Texas does give its indorsement to the movement to have a United States cruiser named for the City of Houston, and requests that the Secretary of the Navy do so name one of said cruiser; and

Be it further resolved that a copy of this resolution, signed by the President of the Senate and attested by the Secretary of the Senate, be transmitted to the Secretary of the Navy.

The resolution was read and adopted.

#### Adjournment.

The Senate at 2:45 p. m. on the motion of Senator Ward adjourned until tomorrow morning (Tuesday) at 10:00 o'clock a. m.

#### APPENDIX.

##### Petitions and Memorials.

State of California  
Legislative Counsel Bureau  
Sacramento.

October 7, 1926.

Hon. T. W. Gregory,  
1901-1902 National Bank Bldg.,  
Houston, Texas.

My Dear General Gregory:

I regret that there has been some delay in writing you in regard to our Legislative Counsel Bureau, concerning which you spoke to me when you visited the Capitol several weeks ago. We have just been through the throes of a rather spirited political campaign, one of the unfortunate results of which was the defeat of Governor Richardson for re-election. Now that things have once more assumed a normal condition we can all get back to work.

I believe your interest in our Bureau was founded upon the belief that an institution of this kind might be of benefit to the people of Texas and particularly to the members of the Legislature. The Legislative Counsel Bureau of California was created through an Act of the Legislature of 1913 and approved by the Governor on May 26 of that year. The department was opened for work on the first day of June 1914. The original act creating the department is enclosed and may be identified as Chapter 322. This will give you an idea as to the intention of the Legislature with respect to the scope of our work. The original act provided for the appointment of a board of five members to be known as the "Legislative Counsel Bureau Board" who among other duties appointed the chief. The act has been amended in this respect. The board has been abolished and the appointment is made by the Governor and the chief holds office at the pleasure of the Governor. You will find enclosed the amendments to the 1913 Act, one in 1915, and the other in 1917.

During the session of the Legislature we are engaged in drafting bills and writing opinions at the request of the members upon constitutional questions connected therewith. When a member requests an opinion as to a bill he usually wants

it for some committee meeting which is perhaps called upon short notice.

During the thirty day period immediately following the adjournment of the Legislature we prepare digests of all the bills passed by the Legislature showing the changes in acts amending present laws, calling attention to any defects or irregularities in said acts, and also giving opinions as to the constitutionality thereof. This work is for the benefit of the Governor in his consideration of the bills.

The statement has been made that the work of the Bureau during the session in the preparation of bills, by avoiding technical and clerical errors in their preparation, thereby avoiding unnecessary amendments and extra printing, saves to the state during the session alone the amount required to support the Bureau for the biennial period.

I think it is safe to say that eighty-five per cent of the bills introduced into both Houses are passed through this Bureau. Most of them are drafted in our department and many others are referred to us for final inspection and revision before being introduced. While the Legislature does not convene until the first week in January we are even now engaged in the drafting of many bills for members of the Legislature. This affords opportunity for investigation and study of the proposed bills and avoiding the inconvenience due to working under high pressure during the session. An important feature of our work is the service rendered to the Governor during the session and for the thirty day period after adjournment while he is engaged in the consideration and signing of bills. Immediately after the close of the session, the chief of the Bureau sits with the Governor until the close of the constitutional period advising with him regarding the various bills which are before the Governor for consideration.

Between sessions the Bureau functions regularly and I think to considerable advantage. During the recess we have compiled a new edition of the booklet containing the "Constitution of the State of California and of the United States and other Documents," a copy of which I am mailing you under separate cover. The Legislature pays for

this and the distribution is made among the members of the Legislature and after that quite generally to schools and colleges and also to individuals so far as the supply permits. The department has also prepared a complete index to the laws of California and has this year published a supplement to this index which brings the work up to the year 1926. Attorneys find this work particularly valuable. In addition to this we have gotten together the laws of California affecting various departments such as for example, the irrigation laws, the insurance laws, etc., and these have been compiled in book form for distribution. You will find in the material which I am sending you under separate cover a copy of a pamphlet which we have recently compiled and which will go to every registered voter in the state.

As to the cost of maintaining the department I might say that the total appropriation for the biennial period ending June 30, 1927, is \$20,236 for salaries and \$2,630 for support. The appropriation bill provides for a salary of \$4,000 for the chief of the Bureau, \$2,700 for one law examiner, \$1,680 for a stenographer and \$1,435 for extra help.

I find that during the period between sessions we can usually maintain the department with a force of two or three assistants but during the session we require a great deal of extra help but that only for a period of about three or four months. I do not know whether I have covered the subject as fully as you would like in this letter but I am sure that after reading this communication you will have some questions to ask and I will be very glad indeed to answer these, for beyond question the State of Texas would be the gainer should you decide to establish a Bureau of this sort in your State. It is an invaluable aid to the members of both Houses and I do not think any Legislature would ever favor the abolition of this department in our State. It is as one member has well said, "the right arm of the Legislature."

Sincerely yours,  
(Sgd) THOMAS M. GANNON,  
Legislative Counsel.

**Committee on Engrossed Bills.**

(Floor Report.)

Senate Chamber,

Austin, Texas, January 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 53 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Senate Chamber,

Austin, Texas, January 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 26 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Senate Chamber,

Austin, Texas, January 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 31 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Senate Chamber,

Austin, Texas, January 17, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 51 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee Reports.**

Austin, Texas, January 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to amend Article 3742 of the Revised Civil Statutes of 1925, providing for the perpetuation of testimony so as to include as a part of said Article 3742 applications of the anticipated applications or petitions for the probate of wills, within the meaning of the word "suit" as used in said article, and to provide the

mode and manner of service of notice on the application or statement of the party desiring to perpetuate testimony for use in an anticipated application or petition for the probate of a will, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Austin, Texas, January 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act to amend Article 5949 of the Revised Civil Statutes of Texas of 1925, relating to the appointment of Notaries Public."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Austin, Texas, January 15, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 62, A bill to be entitled "An Act amending Chapter 8 of Title 69 of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-ninth Legislature by adding thereto an article to be known as Article 4195-A providing: Whenever the estate of a minor consists in part of real estate, and any part or parcel of such real estate produces no revenue or does not produce sufficient revenue to make a fair return upon the value of such part or parcel of said real estate, and the guardian of said estate does not deem it advisable or advantageous to said estate to improve such part or parcel of said real estate, and said guardian believes the sale of such part or parcel of said real estate and the investment of the money derived therefrom would be to the best interests of said estate under all the circumstances, said guardian may make a written application to the court in which such guardianship is pending stating such



facts and asking for an order to sell such part or parcel of said real estate and authorizing the court to order such sale, and providing for an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Austin, Texas, January 15, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to provide for the designation of district judges to hold special terms of court in the various judicial districts in the State when accumulation or urgency of business or the public interest justify or require such designation; providing for the manner of designation and providing further for the appointment of a clerk by the Attorney General, prescribing his duties and fixing his salary; and prescribing the manner in which reports shall be made by the various district clerks to the Attorney General showing the condition of the docket of the various district courts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Austin, Texas, January 15, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to make it unlawful for any person, firm or private corporation within this State to divert the natural flow of the surface waters in this State, or to permit such a diversion to continue after the passage of this Act, or to impound any waters or to permit the impounding thereof to continue after the passage of this Act in such a manner as to damage the property of another; and to provide that in all such cases the injured party shall have remedies, both at law and in equity, in-

cluding damages occasioned thereby, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Austin, Texas, January 15, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 17, A bill to be entitled "An Act to amend Article 1302 Chapter 1 of Title 32 of the Revised Civil Statutes of the State of Texas of 1925 relating to the purposes for which private corporations may be formed by adding thereto a section to be known as Section 89 so as to provide that corporations may be formed, for the purpose of engaging in the poultry business and to buy and sell poultry of all kinds with the right to acquire and own all property necessary to conduct such business, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, January 17, 1927.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 4, A bill to be entitled "An Act requiring all corporations, firms, dealers and persons selling or exposing for sale, by wholesale or retail, any goods, wares, merchandise or articles manufactured, produced or made, in whole or in part, in any penitentiary, prison, reformatory, or penal institution, or by any convicts or prisoners or persons serving sentence in a reformatory, to have upon the container for such goods, wares, merchandise and articles, and upon each and every individual garment or article so manufactured, produced or made a plain and distinct label in the English language, clearly showing in what penitentiary, prison or reformatory or penal institution

such goods, wares, merchandise or articles were manufactured; and forbidding the sale of such goods, wares, merchandise or articles without such label; and imposing a penalty for selling or exposing for sale any such goods, wares, merchandise

or articles without such label; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

RETURNS OF A GENERAL ELECTION HELD NOVEMBER 8, 1926, FOR GOVERNOR AND  
 LIEUTENANT GOVERNOR.

County.	Governor.			Lieutenant-Governor.		
	Dan Moody.	H. H. Haines.	M. A. Smith.	Barry Miller.	W. H. Holmes.	L. L. Rhodes.
Anderson	1,447	82	5	1,472	61	5
Andrews						
Angelina	1,271	207	2	1,385	109	2
Aransas						
Archer	416	37		437	16	
Armstrong	236	8		218	18	
Atascosa	635	68		533	46	
Austin	819	337	3	1,009	167	3
Bailey	239	12	2	231	9	1
Bandera	669	181	9	654	179	10
Bastrop	773	65		781	50	
Baylor	424	15	6	430	8	6
Bee	1,281	1,025	14	1,250	990	12
Bell	2,220	97	6	2,251	58	6
Bexar	10,886	2,531	38	10,825	2,082	44
Blanco	596	368	2	668	222	4
Borden	53			52		
Bosque	839	110	1	860	90	1
Bowie	1,288	179	11	1,320	179	11
Brazoria	784	310	3	798	290	3
Brazos	777	27	2	776	25	1
Brewster	389	35		401	19	
Briscoe	187	8	3	189	6	2
Brooks	111	6		111	6	
Brown	1,044	80	4	1,066	57	2
Burleson	618	38		622	38	
Burnet	534	59		537	47	
Caldwell	877	31		884	18	
Calhoun	310	29	1	316	23	
Callahan	506	40	3	515	24	4
Cameron	1,632	268		1,530	259	
Camp	485	31		459	31	
Carson	213	52		213	52	
Cass	789	72	1	808	64	1
Castro						
Chambers	158	22		161	19	
Cherokee	1,551	127	4	1,566	108	4
Childress	468	24	4	456	23	3
Clay	787	121	3	835	80	3
Cochran	288	8	1	295	6	1
Coke	252	29	3	277	22	3
Coleman	1,065	64	14	1,080	50	13
Collin	3,400	757	9	3,511	645	8
Collingsworth	353	108		357	78	
Colorado	519	199	1	753	151	2
Comal	820	667	11	994	475	2
Comanche	1,107	174	5	1,320	45	5
Concho	362	28		359	22	
Cooke	1,963	239	4	2,056	152	4
Cooryell	967	73		970	52	
Cottle	270	15		272	14	
Crane						
Crockett	75	1		74	3	
Crosby	450	11	2	450	10	2
Culberson	78	2		77	2	
Dallam	302	33	4	297	34	4
Dallas	25,669	1,523	52	25,682	1,413	67
Dawson	508	37	1	527	22	
Deaf Smith	574	127		565	131	
Delta	814	30		818	26	1
Denton	2,446	121	6	2,488	94	6
DeWitt	706	427	1	814	307	1
Dickens						
Dimmitt	131	26		130	27	
Donley	499	23	3	489	27	3
Duval	906	18		905	18	
Eastland	1,594	191	3	1,601	162	3
Ector	78	3		75	3	
Edwards	418	88	4	418	89	4
Ellis	2,409	115	3	2,418	108	5
El Paso	4,476	623	15	4,425	615	17
Erath	1,280	223	9	1,349	154	6
Falls	1,051	65		1,081	42	
Fannin	2,344	176	3	2,343	164	3
Fayette	1,645	652	2	1,964	355	2

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Fisher	586	24	7	591	12	11
Floyd	460	24	1	466	22	1
Foard	334	25	2	318	19	2
Fort Bend	458	57	1	483	32	1
Franklin	483	56	1	408	34	1
Freestone						
Frio	625	17	3	627	11	3
Gaines	194	12	3	196	11	3
Galveston	1,933	259	6	1,961	241	5
Garza	411	77	4	435	50	4
Gillespie	718	1,334	10	762	1,284	10
Glasscock	74	3		77		1
Goliad	509	421	5	514	421	8
Gonzales	982	210	1	1,046	156	1
Gray	235	39		228	40	
Grayson	3,579	677	15	3,606	606	15
Gregg	543	39	1	543	37	1
Grimes	715	41		716	41	
Guadalupe	1,334	1,838	29	1,373	1,729	29
Hale	569	76	1	586	69	1
Hall	587	35	2	587	30	2
Hamilton	676	96		683	86	
Hansford	87	6		87	6	
Hardeman	1,715	45		1,764	45	
Hardin	502	35		506	28	1
Harris	6,776	906	20	6,872	762	19
Harrison	872	30		879	30	
Hartley	108	9		108	7	
Haskell	871	54	6	873	43	5
Hays	882	31		883	25	
Hemphill	133	29		133	34	
Henderson	1,276	170	7			
Hidalgo	4,298	1,747	9	4,270	1,799	8
Hill	2,192	99	1	2,159	86	1
Hockley	256	13	3	258	13	2
Hood	434	46		434	39	
Hopkins	1,514	115	6	1,521	109	6
Houston	1,066	68	2	1,091	38	2
Howard	463	9	4	463	6	3
Hudspeth	198	1	1	196	1	1
Hunt	3,448	142	8	3,448	132	6
Hutchinson	293	27		290	29	
Irion	108	7	1	111	4	1
Jack	522	76	2	525	68	14
Jackson	272	48	1	277	47	1
Jasper	637	36		642	32	
Jeff Davis	102	8		106	5	
Jefferson	1,541	140	1	1,539	124	1
Jim Hogg	88	6		86	6	
Jim Wells	272	27		292	30	
Johnson	1,806	109	3	1,806	60	4
Jones	937	64	4	941	54	4
Karnes	802	129	4	805	75	1
Kaufman	1,844	163		1,853	151	
Kendall	164	293	3	162	303	1
Kenedy	67	1		67	1	
Kent	93	1		95	1	
Kerr	1,262	233	3	1,261	207	5
Kimble	240	16		240	12	
King	37			37		
Kinney	180	45	1	176	49	1
Kleberg	302	15		308	16	
Knox	708	33	1	713	27	1
Lamar	1,841	60	1	1,845	57	1
Lamb	311	20	6	309	20	4
Lampasas	592	53		592	45	
LaSalle	264	6		266	4	
Lavaca	1,030			1,547		
Lee	810	231	4	951	135	2
Leon	751	50	8	753	48	8
Liberty	597	70	1	603	56	3
Limestone	1,533	66	1	1,569	38	1
Lipscomb	524	232	9	520	232	8
Live Oak	592	23	3	397	21	4
Llano	799	38	1	819	21	1

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*Loving						
Lubbock	1,060	61	3	1,060	57	3
Lynn	518	65	3	533	49	4
Madison						
Marion	208	33		208	33	
Martin	219	14		221	11	
Mason	298	38		303	30	1
Matagorda	610	95	4	606	91	4
Maverick	308	58		300	57	
McCulloch	684	25	2	686	20	3
McLennan	2,545	237	5	2,581	204	6
McMullen	203	3		214	3	
Medina	765	404		821	337	
Menard	196	23		202	18	
Midland	164	3		164	3	
Milam	1,390	117	8	1,585	67	7
Mills	457	58		475	43	1
Mitchell	697	47		701	39	
Montague	779	94	6	797	76	7
Montgomery	637	41	1	645	35	2
Moore						
Morris	517	12		519	13	
Motley	219	13	5	218	7	5
Nacogdoches	1,134	99	9	1,133	99	9
Navarro	2,608	158	2	2,633	122	3
Newton	312	15		314	16	
Nolan	750	88		768	77	
Nueces	1,413	161	2	1,408	132	
Ochiltree	184	10		158	11	
Oldham	102	5		99	5	
Orange	720	17		781	12	
Palo Pinto	1,070	51	5	1,177	42	5
Panola	541	117		546	7	
Parker	1,229	89	12	1,250	71	12
Parmer						
Pecos	557	38	3	561	30	4
Polk	566	71		574	66	
Potter	505	86	2	412	181	1
Presidio	271	9	2	272	8	1
Rains	400	63	3	423	45	1
Randall	364	24		367	25	1
Reagan	266	9		278	4	
Real	265	65	3	262	64	3
Red River	1,319	60		1,337	43	
Reeves and Loving	272	30		275	25	
Refugio	339	187	10	411	171	12
Roberts	84	11		69	25	
Robertson	305	36		312	35	
Rockwall	591	6		582	6	
Runnels	1,275	84	3	1,296	68	3
Rusk	1,182	101		1,186	90	
Sabine	436	17	5	455	9	3
San Augustine	358	129	8	587	45	3
San Jacinto						
San Patricio	648	93	1	644	77	1
San Saba	600	48		618	40	
Schleicher	124	8		124	8	
Scurry	566	20	1	568	18	
Shackelford	229	41		230	34	
Shelby	1,269	63	1	1,316	25	1
Sherman	91	12		89	11	1
Smith	2,279	289	1	2,331	253	1
Somervell	295	25		316	13	
Starr						
Stephens	771	86	7	793	62	7
Sterling	150	4		151	4	
Stonewall	271	12	3	271	6	3
Sutton	105	4		106	3	
Swisher	509	47		509	48	
Tarrant	5,115	342	6	5,227	298	7
Taylor	1,562	78	2	1,568	67	1
Terrell	212	56	1	211	54	1
Terry	303	27		308	19	
Throckmorton	309	3	1	283	3	1
Titus	581	75	2	601	55	2

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Tom Green .....	1,204	50	4	1,210	43	3
Travis .....	4,008	226	6	4,014	178	5
Trinity .....	400	50	3	425	31	2
Tyler .....	377	11	-----	379	8	-----
Upshur .....	1,003	274	3	1,145	189	4
Upton .....	83	1	-----	80	1	-----
Uvalde .....	740	47	-----	753	30	-----
Val Verde .....	344	70	-----	340	58	-----
Van Zandt .....	1,648	314	15	1,727	354	15
Victoria .....	853	209	1	972	118	1
Walker .....	643	20	-----	646	19	-----
Waller .....	377	26	-----	390	18	-----
Ward .....	113	12	1	108	11	1
Washington .....	883	127	-----	892	121	1
Webb .....	628	148	-----	623	150	-----
Wharton .....	650	155	3	665	135	3
Wheeler .....	412	60	-----	416	56	-----
Wichita .....	2,047	268	8	2,081	216	8
Wilbarger .....	574	16	1	580	10	-----
Willacy .....	523	66	7	517	67	6
Williamson .....	2,206	142	3	2,208	124	2
Wilson .....	915	463	4	1,086	292	3
Winkler .....	13	1	-----	15	-----	-----
Wise .....	1,251	71	1	1,256	57	1
Wood .....	1,230	107	5	1,241	91	4
Yoakum .....	95	2	-----	105	-----	-----
Young .....	528	37	-----	521	36	2
Zapata .....	213	8	-----	213	8	-----
Zavala .....	317	14	-----	316	10	1
Totals .....	233,066	31,531	908	236,097	27,316	702

\*Reported with Reeves County.